

Remarks

Claims 1, 5, 8, and 11-21 are pending in this Application. In the Office action, claims 1, 5, 8, and 11-21 are rejected. Reconsideration is respectfully requested.

Claim Amendments

Amendments to the claims have been presented above. Claim 1 has been amended to generally feature an “interface *having an outer dimension*” and “said interface having an exterior surface including texture thereon *wherein said texture does not substantially increase said outer dimension of said interface and said texture is constitutive of said exterior surface of said interface.*”

Support for this language can be found in Applicant’s disclosure, p. 3, lines 9-18 as Figs. 1 and 2.

Claim 10 has been amended to generally feature an introducer “*having an outer dimension*” and “said introducer including texture on said segment of said proximal portion for contact with the bodily tissue at the point of insertion *wherein said texture does not substantially increase said outer dimension of said introducer and said texture is constitutive of said exterior surface of said introducer.*” Support for this language can be found in Applicant’s disclosure, p. 3, lines 9-18 as Figs. 8-10.

Claims 19-21 have been cancelled without prejudice.

Claim Rejections – 35 U.S.C. § 112

In the Office action, claim 10 was rejected under 35 U.S.C. § 112, second paragraph, because the recitation to “needle” in lines 5 and 6 lacks antecedent basis. Reconsideration of claim 10 is respectfully requested.

Claim 10, line 5 has been amended to recite “a needle” instead of “said needle”. In light of the amendment to claim 10, the rejection under 35 U.S.C. § 112 is traversed. Allowance of claim 10, as amended is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1 and 10 were rejected in the Office action under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4, 266,999 to Baier (hereinafter the “Baier Reference”). Reconsideration of claims 1 and 10 is respectfully requested.

Claim 1 has been amended to recite an “interface *having an outer dimension*” and “said interface having an exterior surface including texture thereon *wherein said texture does not substantially increase said outer dimension of said interface and said texture is constitutive of said exterior surface of said interface.*” Likewise, claim 10 has been amended to recite an introducer “*having an outer dimension*” and “*said introducer including texture on said segment of said proximal portion for contact with the bodily tissue at the point of insertion wherein said texture does not substantially increase said outer dimension of said introducer and said texture is constitutive of said exterior surface of said introducer.*”

As a result, Applicant’s claims 1 and 10 have been amended to recite a texture which is constitutive, or part of the structure, of the exterior surface of the interface (or introducer). Further,

claims 1 and 10 have been amended to recite a texture which does not substantially increase the outer dimension of the interface (or introducer).

The Baier reference does not disclose a device wherein the texture does not substantially increase the outer dimension of the interface. In addition, the Baier reference does not disclose a device wherein the texture is constitutive of the exterior surface of the interface. In fact, the Baier Reference discloses a device which includes a sheath that is applied over the catheter (or mandrel) which is built up to a thickness. The texture is then applied to the sheath. The Baier Reference, Col. 2, lines 38- 46 reads as follows:

In FIG. 1 the numeral **10** designates a tubular mandrel which usually will be a portion of a catheter. As shown in FIG. 2, the mandrel 10 is coated with a sheath 12 of a segmented polyethertype polyurethane elastomer such as that sold by Johnson & Johnson under the trademark "Biomer". Through a sequential process of dipping the mandrel **10** in the coating solution and oven drying, a useful thickness of the sheath 12 is typically built up in two to four coats. (Emphasis added).

Thus, according to the Baier Reference, it is not the catheter body which is textured, but rather a textured sheath with a "useful thickness" is applied to the exterior surface of the catheter. The Baier Reference does not define an interface (or introducer) as recited in Applicant's claims 1 and 10, but notwithstanding, the sheath is not constitutive of, or not a part of the structure of the catheter. Instead, the sheath is its own structure which requires additional manufacture and/or assembly.

In addition, as a result of applying the additional structure of the sheath, the exterior dimension of the catheter is necessarily increased. This is evident in Figs. 2-14 of the Baier Reference. This is significant because an increase in the outer dimension of the catheter will

necessarily require a larger hole for insertion into a medical patient. This is evidenced in Fig. 13 of the Baier Reference wherein the size of the insertion wound is increased by the thickness of sheath 12 and 12' around the entire circumference of mandrel 10. A larger puncture wound is undesirable because it requires additional healing. More significantly, a larger puncture hole increases the possibility that bacteria and/or fungi could migrate into the patient's body through the puncture wound. Such bacteria and/or fungi could potentially cause serious infection in the patient's body.

Accordingly, the rejection in the Office action of claims 1 and 10 under 35 U.S.C. § 102(b) is traversed. Allowance of claims 1 and 10 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 5-8 and 11-21 were rejected in the Office action under 35 U.S.C. § 103(a) as being unpatentable over the Baier Reference in view of U.S. Patent No. 5,308,338 to Helfrich (hereinafter “Helfrich”), U.S. Patent No. 4,676,782 to Yamamoto et al. (hereinafter “Yamamoto et al.”), or U.S. Patent No. 6,033,382 to Basta (hereinafter “Basta”). Reconsideration of claims 5-8 and 11-21 is respectfully requested.

Claims 5-8 depend from claim 1, while claims 11-18 depend from claim 10. Claims 1 and 10 have been amended in this Amendment and Response and claims 19-21 have been cancelled without prejudice. In light of the amendments to claims 1 and 10 as referenced above, claims 5-8 and 11-18 are allowable at least for the reasons set forth above with regard to claims 1 and 10. Accordingly, allowance of claims 5-8 and 11-18 is respectfully requested.

Interview Summary

Applicant acknowledges, with gratitude, that a telephone interview with the Examiner took place on October 17, 2007. During the interview it was agreed that the combination as set forth in the amended claims will overcome the prior art, and rejections based thereon, and places the claims in condition for allowance. Allowance of claims 1, 5-8, and 11-18 is respectfully requested.

Conclusion

This paper is intended to constitute a complete response to the Examiner's Office Action. Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Scott R. Zingerman, Applicant's Attorney, at 918/599-0621 so that such issues may be resolved as expeditiously as possible. In addition, if the Examiner feels that processing of this Application can be expedited in any respect by a personal conference, please consider this an invitation to telephone Applicant's Attorney.

Respectfully submitted,



Scott R. Zingerman

Reg. No.: 35,422
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 S. Boston Ave., Suite 800
Tulsa, OK 74103-3318

October 26, 2007

DATE

Tel. No.: (918) 599-0621
Customer No.: 22206